

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 23-cv-60666-BLOOM

DONALD MERTON COLE,

Plaintiff,

v.

U.S. DEPARTMENT OF TREASURY,

Defendant.

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**ORDER DISMISSING CASE**

**THIS CAUSE** is before the Court upon a review of *pro se* Plaintiff Donald Merton Cole's Complaint, ECF No. [1], docketed on April 7, 2023. Plaintiff has not paid the filing fee but has moved to proceed *in forma pauperis*. ECF No. [3]. Because Plaintiff is a *pro se* litigant who has not paid the required filing fee, the screening provisions of 28 U.S.C. section 1915(e) apply. Under the statute, courts are permitted to dismiss a suit "any time [] the court determines that . . . (B) the action or appeal . . . (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief." 28 U.S.C. § 1915(e)(2). Having screened Plaintiff's Complaint, the Court concludes it is subject to dismissal.

To state a claim for relief, a pleading must contain: "(1) a short and plain statement of the grounds for the court's jurisdiction . . . ; (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and (3) a demand for the relief sought[.]" Fed. R. Civ. P. 8(a). "A party must state its claims or defenses in numbered paragraphs, each limited as far as practicable to a single set of circumstances." *Id.* 10(b). More importantly, "a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v.*

*Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)).

The complaint must “give the defendant fair notice of what the claim is and the grounds upon which it rests[.]” *Twombly*, 550 U.S. at 555 (cleaned up).

Courts must “construe *pro se* pleadings liberally, holding them to a less stringent standard than those drafted by attorneys.” *Arrington v. Green*, 757 F. App’x 796, 797 (11th Cir. 2018). Still, a *pro se* party must abide by Federal Rule of Civil Procedure 8(a)(2), which requires that a pleading contain a “short and plain statement of the claim” showing the pleader is entitled to relief. *See Barmapov v. Amuial*, 986 F.3d 1321, 1324 (11th Cir. 2021).

Plaintiff’s handwritten Statement of Claim reads, in totality: “Terrorized in France many times in many ways officials here responsible concern of money laundering through fraud, court suppression, when attack source is here [illegible] to Biden w/ knowledge for cover up another fraud.” ECF No. [1] at 4. For relief, plaintiff seeks \$25,000 as “expenses of trip” and \$25,000,000,000 in punitive damages for “Terrorism on Europe[.]” *Id.* As the basis for federal jurisdiction, the Complaint cites “18 U.S.C. [§] 510(c),” “Life, Liberty & Pursuit of Happiness,” and “International Terrorism by collusion of officials here making me pay when they are responsible.” ECF No. [1] at 3.

Plaintiff’s Complaint is unintelligible. It consists entirely of “conclusory, vague, and immaterial facts not obviously connected to any particular cause of action.” *Weiland v. Palm Beach Cnty. Sheriff’s Office*, 792 F.3d 1313, 1321–22 (11th Cir. 2015). The Court concludes that the Complaint is frivolous and has “no chance of success.” *Carroll v. Gross*, 984 F.2d 392, 393 (11th Cir. 1993). As such, *sua sponte* dismissal is appropriate. *See, e.g., Cole v. Dep’t of Justice*, No. 23-cv-60604-RAR, Order Dismissing Case (S.D. Fla. Mar. 30, 2023) (dismissing as frivolous Plaintiff’s similar Complaint against the Department of Justice).

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Accordingly, it is **ORDERED AND ADJUDGED** that Plaintiff's Complaint is **DISMISSED** without prejudice. The Clerk is **DIRECTED** to close the case and all pending motions are **DENIED** as moot.

**DONE AND ORDERED** in Chambers at Miami, Florida, on April 7, 2023.

A handwritten signature in black ink, appearing to be 'JB' or similar, written over a horizontal line.

**BETH BLOOM**  
**UNITED STATES DISTRICT JUDGE**

Copies to:

**Donald Merton Cole**  
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